

DEVELOPMENT CONDITIONS

SPA 93-L-015-02

September 27, 2012

If it is the intent of the Board of Zoning Appeals to approve SPA 93-L-015-02 located at Tax Map 82-2 ((1)) 5, 6, & 8 and 82-2((11) 1, for use as a community swimming pool to permit the addition of community center uses, an increase in land area, building additions, and site modifications pursuant to Sect. 3-403 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions, which supersede all previous conditions. Those conditions carried forward from the previous approval are marked with an asterisk*. Minor modifications to previous development conditions have been underlined.

1. This special permit amendment is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This special permit amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Permit Amendment Plat entitled Burgundy Farm Country Day School and prepared by Oculus, seal dated August 31, 2012 and approved with this application, as qualified by these development conditions.*
3. A copy of this special permit amendment and the Non-Residential Use Permit (Non-RUP) shall be posted in a conspicuous space on the property of the use and be made available to all departments of Fairfax County during the hours of operation of the permitted use.*
4. This special permit amendment is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Permit Amendment shall be in substantial conformance with the approved Special Permit Amendment Plat entitled Burgundy Farm Country Day School, and prepared by Oculus, seal dated September 12, 2012, and these conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
5. In the event that a future amendment to this SPA does not require a modification to the SEA, the applicant may file an SPA only, as determined by the Zoning Administrator.
6. The community pool shall be limited to a maximum of 78 bathers at any one time.*
7. The regular hours of operation for the community swimming pool shall not exceed 9:00 a.m. to 9:00 p.m.*

8. After-hour parties for the swimming pool shall be governed by the following:
 - Limited to six (6) per season.
 - Limited to Friday, Saturday, and pre-holiday evenings.
 - Shall not extend beyond 12:00 midnight.*
9. Prior to the first day of school each year, the School administration shall establish a neighborhood liaison committee to meet with the Burgundy Citizens Association and/or other applicable community groups in the adjacent neighborhoods to discuss and address neighborhood concerns regarding the use and operation of the pool, gym, and meeting spaces as it relates to impacts on the surrounding neighborhood. The frequency of these meetings shall be at the discretion of the community group, but no more than two meetings a year shall be required. The School shall provide contact information for a representative of the neighborhood liaison committee to the Lee District Supervisor's office prior to the first day of school each year.
10. Within 180 days of approval of the SPA, the applicant shall bring the maintenance building located along the southern property line, containing the dimensions of 30.69 feet by 40.06 feet and labeled as "MAINTENANCE BLDG" on the SEA/SPA Plat into conformance through one of the following methods: modify the structure to comply with the previously approved variance for this structure (structure located 21.2 feet from the front lot line), comply with the Zoning Ordinance's location regulations for the structure, or remove the structure.
11. All vehicle parking shall be provided on-site. Additional parking for the additional community uses besides the community pool shall be subject to DPWES approval of a shared parking agreement if such agreement is determined to be necessary by DPWES.
12. The applicant shall seek a waiver from DPWES of the dustless surface requirement, or other approval determined to be appropriate by DPWES, for the gravel driveway and parking lots. If approved, the applicant shall implement the conditions associated with such approval. If not approved, the applicant shall satisfy all applicable DPWES requirements.
13. The applicant shall remove all existing barbed wire on the fence and reduce the fence height to 6 feet around the perimeter of the property.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Permit Amendment shall not be valid until this has been accomplished.

Pursuant to Section 8-015 of the Zoning Ordinance, this Special Permit Amendment shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. Construction of at least one (1) new structure or proposed site improvement on site shall constitute establishment of the Special Permit Amendment. The Board of Zoning Appeals may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the Special Permit Amendment. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.